

**WESTBANK FIRST NATION
SPECIAL EVENTS LAW 2019**

WHEREAS:

- A. Westbank First Nation has jurisdiction in relation to public order, peace, and safety on Westbank Lands; and
- B. Council of Westbank First Nation deems it advisable and in the best interest of Westbank First Nation to enact a law to regulate and set criteria for the holding of large-scale special events on Westbank Lands, in order to ensure adequate protections of participants and property are in place.

NOW THEREFORE Council of Westbank First Nation hereby repeals the *Westbank First Nation Outdoor Events Law No. 2005-20* and replaces it with the following:

1. TITLE

- 1.1 This Law may be cited as the "*WFN Special Events Law 2019*".

2. DEFINITIONS

- 2.1 In this Law, unless the context otherwise requires:

"Event Organizer" means the Person who is responsible for all aspects relating to the organization of a Special Event, including but not limited to:

- (a) securing a Permit in accordance with this Law;
- (b) all financial matters in relation to the Special Event;
- (c) contracting with service providers including, but not limited to, entertainers, ambulance services, fire services, policing services, and security firms;
- (d) having use of or renting the Site;
- (e) the setup and cleanup of the Site;
- (f) any damage caused to the Site; and
- (g) advertising the Special Event.

"Parcel of Land" means any lot, block, manufactured home pad, or other area in which real property within Westbank Lands is held or into which real property within Westbank Lands is subdivided, and the improvements affixed to it;

"Peace Officer" a member of the local detachment of the Royal Canadian Mounted Police responsible for policing Westbank Lands, or a member of the British Columbia Conservation Officer Service, responsible for natural resource law enforcement and human-wildlife conflict prevention, or any delegate of either;

"Permit" means written approval of Council, in the form of a resolution, to hold a Special Event in accordance with this Law;

"Person" means an individual, a corporation, partnership, limited liability company, association, or other legal entity or organization;

"Site" means that portion of a Parcel of Land on which a Special Event is to be held;

"Special Event" means any public or private gathering, show, exhibition, carnival, parade, procession, athletic event, performance, concert, or production held indoors or outdoors on Westbank Lands, attended by or which might reasonably be attended by five hundred (500) individuals or more per day;

"WFN Facility" means a WFN-owned facility, located indoors or outdoors on Community Lands and intended for community purposes, including but not limited to sports fields, playgrounds, picnic areas, and all outdoor spaces connected to WFN-owned buildings; and

"WFN Law Enforcement Officer" means any individual appointed by Council, from time to time, to administer and enforce the provisions of Westbank Laws, including any delegate or any Peace Officer.

2.2 Unless otherwise provided in this Law, words, expressions and rules of construction used in this Law have the same meaning as in the *Westbank First Nation Constitution*.

3. PERMIT REQUIRED

3.1 Except as otherwise provided in this Law, no Special Event may be held on Westbank Lands unless a Permit for that Special Event has been issued by Westbank.

3.2 A Special Event must not be advertised in any manner prior to a Permit being issued by Westbank, unless prior written permission to do so has been provided by Westbank.

3.3 Where a Special Event is to be held at a WFN Facility, in addition to securing a Permit the Event Organizer must:

(a) Submit a completed WFN Facility rental agreement; and

- (b) Comply with all rules and regulations established in respect of that WFN Facility.

4. OBTAINING A PERMIT

- 4.1 Council will, by resolution or other governance instrument, establish criteria and procedures for the application for and granting of a Permit under this Law.
- 4.2 An Event Organizer may be granted a Permit, provided they submit an application which meets the criteria and follows all procedural requirements established by Council, from time to time.

5. ADDITIONAL RESPONSIBILITIES

- 5.1 Upon completion of the Special Event, the Event Organizer is responsible for cleaning up the Site immediately thereafter. The Event Organizer must notify Westbank when the cleanup has been completed, in order for an inspection of the Site to occur. The Site must be cleaned up to a standard acceptable to the WFN Law Enforcement Officer.
- 5.2 Notwithstanding any other section of this Law, all things done on the Site must comply with all applicable Westbank Laws and all other applicable laws and regulations.

6. RIGHT OF ENTRY

- 6.1 The WFN Law Enforcement Officer, and any other Person authorized by Council, may at all reasonable times prior to, during, and reasonably subsequent to the Special Event, enter upon any Site which is subject to the terms of this Law, in order to ascertain whether the provisions of this Law are being or have been complied with.

7. EMPLOYMENT

- 7.1 The Event Organizer will, on a best efforts basis, employ as many Westbank Members, or companies controlled by Westbank Members, as may be possible for all aspects of the preparation for, running of, and cleanup of the Special Event.

8. OFFENCE AND PENALTY

- 8.1 Every Person who contravenes any provisions of this Law commits an offence punishable upon summary conviction and is liable to a fine not exceeding ten thousand dollars (\$10,000.00).
- 8.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

9. FEES AND FORMS

- 9.1 Council may, by resolution at a duly convened meeting, establish, correct, revise or update the terms of any applicable fee schedules, forms, protocols or other related documentation which complement and support this Law, and must post notice of such resolution in a public area of the Westbank administration building and make a copy of such resolution available for viewing free of charge.

10. APPLICATION OF LAW

- 10.1 Where any federal Act or regulation or provincial Act or regulation or any other Westbank Law may apply to any matter covered by this Law, compliance with this Law does not relieve a Person from also complying with the provisions of the other applicable Act, regulation or law.
- 10.2 If any section of this Law is for any reason held invalid by a decision of a court of competent jurisdiction, the invalid section or subsection must be severed from and will not affect the remaining provisions of this Law.
- 10.3 The headings given to the parts and sections in this Law are for convenience of reference only, do not form part of this Law and must not be used in the interpretation of this Law.
- 10.4 Unless otherwise noted, any specific statute named in this Law is a reference to an enactment of British Columbia and the regulations thereto, as amended, revised, consolidated or replaced from time to time, and any Law referred to herein is a reference to a Westbank Law, as amended, revised, consolidated or replaced from time to time.

11. IMMUNITY

- 11.1 No action for damages lies or may be instituted against Council or past Council, or employees, servants, or agents of either Westbank or Council:
- (a) for anything said or done, or omitted to be said or done, by that Person in the actual or required performance of the Person's duty, or exercise of their authority; or
 - (b) for any alleged neglect or default in the actual or required performance of the Person's duty or exercise of their authority.
- 11.2 Section 11.1 does not provide a defence if:
- (a) Council, employees, servants, or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence, or malicious or wilful misconduct; or
 - (b) the cause of action is libel or slander.

11.3. None of Westbank, Council or past Council, or employees, servants, or agents of Westbank or Council, is liable for any damages or other loss, including economic loss, sustained by any Person, or to the property of any Person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Law or any other Westbank Law, or from the neglect or failure, for any reason or in any manner, to enforce this Law or any other Westbank Law.

11.4 All actions against Westbank for the unlawful doing of anything that:

- (a) is purported to have been done by Westbank under the powers conferred by this Law or any Westbank Law; and
- (b) might have been lawfully done by Westbank if acting in the manner established by law,

must be commenced within six (6) months after the cause of action first arose, or within a further period designated by Council in a particular case, but not afterwards.

11.5 Westbank is in no case liable for damages unless notice in writing setting out the time, place, and manner in which the damage has been sustained, is delivered to Westbank within two (2) months from the date on which the damage was sustained. In case of the death of a Person injured, the failure to give notice required by this section is not a bar to the maintenance of an action.

11.6 Failure to give the notice under this Law or its insufficiency is not a bar to the maintenance of an action if the court before whom it is tried, or, in case of appeal, the Court of Appeal, believes:

- (a) there was reasonable excuse; and
- (b) Westbank has not been prejudiced in its defence by the failure or insufficiency.

BE IT KNOWN that this law entitled, "*Westbank First Nation Special Event Law 2019*" is hereby:

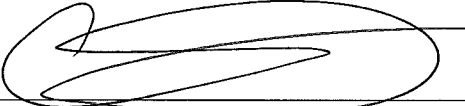
Read a first time by Council of Westbank First Nation at a duly convened meeting held on the 21st day of October, 2019;

Presented to the Membership at a Special Membership Meeting held on the 21st of November, 2019;

Read a second time by Council at a duly convened meeting held on the 16th day of December, 2019;

Read a third time and enacted by Council of Westbank First Nation at a duly convened meeting held on the 16th day of December, 2019.

Signed by the following Members of Council:




Chief Christopher Derickson



Councillor Andrea Alexander



Councillor Fernanda Alexander



Councillor Jordan Coble



Councillor Lorrie Hogaboam